

Evictions

If your landlord thinks you've violated the terms of your lease and wants you to move, he or she cannot simply lock you out of your apartment or order you to vacate the premises. The landlord must follow a legal process that ultimately involves filing a lawsuit in small claims court. If a lawsuit is filed, you will be notified of the court hearing and will have an opportunity to tell the judge your side of the story.

Depending on the situation, your landlord must do the following prior filing a lawsuit in small claims court to evict you:

- If your rent is overdue, the law requires that your landlord first give you a "5-Day Quit or Pay Rent Notice." If you receive this notice, you must pay all rent due within the five days or move. If you don't pay the rent and don't

leave, the landlord can begin eviction proceedings after the five days.

- If you are a month-to-month tenant and your rent is overdue, the landlord can give you the "5-Day Quit or Pay Rent Notice," but also has the option of giving you a 14-day notice to vacate the property. The 14-day notice does not allow you the option of paying the rent and staying in the building. If you don't leave, the landlord can begin eviction proceedings after the 14 days.
- If the landlord wants you to leave the property for violations of the rental agreement other than overdue rent, the landlord must usually give you a 14-day notice to vacate the property.

If you do not vacate the property after being given the 5-day or 14-day notice, the landlord must go to small claims court and file a lawsuit to evict you.

When a lawsuit has been filed in small claims court, you will be served with a summons. This is a notice which indicates the landlord's intention to sue you for eviction. The summons does not mean you are evicted. It is your notice to appear in court on a specific date and time. In court, you and the landlord will be asked to explain your sides. The judge will then make a decision regarding your eviction. If you receive a summons for eviction, you should take the following steps immediately:

1. Seek the help of a legal aid service. For the number of a legal aid office near you, look up **LEGAL AID** in the yellow pages of your local

telephone directory. In order to receive help from legal aid, you may be required to:

- Go to the legal aid office in person to file a claim; or
- Meet low income requirements to qualify for legal aid services.

2. If you do not qualify for legal aid, but need to obtain legal advice about the eviction, you need to consult with a private attorney. State agencies cannot represent you in evictions and do not provide legal advice. If you need help finding an attorney, contact the State Bar of Wis-

consin Lawyer Referral Service 800-362-9082 (Madison, 608-257-4666).

Removal from the premises

Lockouts are illegal in Wisconsin. The landlord can't lock you out of the premises, remove your things or shut off your utilities.

If the judge rules in the landlord's favor in a small claims court action, the judge may issue a court order requiring you to leave the property. If you don't, the county sheriff may remove your belongings

from the premises. These steps may only be taken **after** the small claims court hearing, and **after** the judge orders the eviction.

For more information, or to file a complaint, contact the Bureau of Consumer Protection at:

(800) 422-7128

FAX: (608) 224-4939

TTY: (608) 224-5058

E-MAIL:

DATCPHOTLINE@WHEEL.DATCP.STATE.WI.US

n:\cpcic\facts\evict126 11/97